

### **REMARKS**

Claims 53-90 are pending in this application, claims 1-52 having been canceled without prejudice or disclaimer.

The subject matter of new claims 53 is supported in the original disclosure at, *inter alia*, page 23, lines 12-16 and page 45, line 20 to page 47, line 6. The specification has been amended to correct a typographical error. Applicant respectfully requests approval and entry of the above amendments.

#### ***Drawings***

The drawings have been objected to as including figures of poor line quality and shading that make the figures unclear. The Examiner has identified Figures 3-22 in particular. In response, Applicant has submitted herewith amended replacement drawings sheets with Figures 1-22 labeled as replacement sheets. Applicant respectfully requests approval and entry of the replacement drawings and withdrawal of the objection.

#### ***Claim Objections***

Claims 13, 19, 20, and 21 have been objected to.

Applicant respectfully submits that the "one or more selected emotional states" language which formed the basis of the rejection has been omitted from the new claims. Withdrawal of the objection is therefore respectfully requested.

#### ***Claim Rejections -- 35 U.S.C. § 112***

Claims 11, 23, and 40 have been rejected under 35 U.S.C. § 112, second paragraph, as indefinite. Pursuant to the Examiner's constructive suggestion, Applicant has amended to claim language of the new claims to characterize the members of the Markush group as "techniques".

Applicant respectfully submits that all claims are in fully compliance with Section 112, and respectfully requests withdrawal of the rejection.

***Claims Rejections – 35 U.S.C. § 102***

Claims 1-3, 5-32, 34-43, 47, 51, and 52 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,585,521 to Obrador.

Applicant respectfully traverses this rejection.

Claims 53-90 are directed to a method, computer usable medium, and system of attaining a target goal with categorized electronically recallable media. According to the method, a target goal is input, such as entered into or selected from a computer graph. Custom selected, electronically recallable media samples possessing subject matter containing sensory stimuli for evoking a selected emotional state in a particular user is used to attain the goal. For example, as recited in claim 53, the particular user is electronically presented with the media samples at an appropriate time, such as during performance of a designated task in furtherance of the target goal, to promote completion of the designated task. As recited in claim 71, the particular user is electronically presented with the media samples at an appropriate time to promote cessation of a behavior (e.g., smoking) related to attaining the target goal (e.g., to quit cigarettes).

Obrador discloses a method of video indexing multimedia (e.g., DVD movies) based on viewers' behavior and emotional feedback while watching the multimedia. The video indexing is provided as a convenience for allowing the user to skip to a desired video clip:

Since a user normally cannot write down what is on a video sequence or where on a video sequence particular scenes, movies, events are recorded, the user may have to sit and view an entire video sequence to remember what was recorded or to retrieve a particular scene. Video indexing allows a user to have easy access to different sections of the video sequence so that the user can jump to a particular section within the video sequence.

(Column 1, lines 17-24)

In contrast to conventional modes of indexing movies by substantive plot categories (e.g., adventure, drama, horror, romance, etc.), Obrador indexes by emotional state. Obrador merely seeks to organize multimedia using a system that he believes users will find helpful. Obrador makes no reasonable suggestion of using its method for any purpose other than indexing and organization of data. Obrador fails to disclose or provide any motivation, teaching, or suggestion for inputting a target goal as part of its method or using its indexed videos in furtherance of reaching the target goal.

For these reasons, Applicant respectfully requests reconsideration and withdrawal of the Section 102(e) rejection.

***Claim Rejections -- 35 U.S.C. § 103***

Claims 4, 16, 33, 44, 45, 48, and 49 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Obrador in view of U.S. Patent No. 6,293,904 to Blazey et al.

Applicant respectfully traverses this rejection.

The shortcomings of Obrador vis-à-vis the new claims are described in detail above. Blazey focuses on changing the physiological and psychological state of an individual. Unlike the present invention, Blazey does not discuss attainment of a target goal or using media samples at an appropriate time to attain the target goal.

Additionally, Applicant respectfully submits that a person of ordinary skill in the art would not have found it obvious to combine Obrador and Blazey. Obrador merely describes an indexing scheme; Obrador does not reasonably suggest using the indexing scheme in furtherance of a goal or, much less, to manage a physiological and psychological state, i.e., the object of Blazey. Blazey, on the other hand, selects images based on their physiological effect on the subject, not on the emotional state that the images elicit in the subject. Accordingly, a person having ordinary skill in the art would not have been motivated to use the emotional state index scheme of Obrador for managing physiological and psychological states.

For these reasons, reconsideration and withdrawal of the rejection are respectfully requested.

Finally, claims 46 and 50 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Obrador in view of U.S. Patent No. 6,527,700 to Manico et al.

Applicant respectfully traverses this rejection. Manico has been cited for its alleged disclosure of repeating the presenting step until the particular user reaches the selected emotional state. This step no longer is expressly recited in the claims. Further, Manico is for the most part cumulative of Blazey, and can be distinguished from the present invention based on the above-advanced arguments. Manico is directed to the management of a physiological or psychological state of an individual, not to attaining a goal using electronically recallable media pre-selected by the individual in furtherance of the goal. There is no motivation for combining Manico with Obrador for the same reasons expressed above with respect to Blazey.

For these reasons, Applicant respectfully requests reconsideration and withdrawal of the Section 103(a) rejection.

In view of the foregoing remarks, the present application is now believed to be in condition for allowance. The Examiner is asked to consider this response and amendment and pass the application to allowance. Further and favorable consideration is requested.

Respectfully submitted,



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